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December 20, 2024

VIA ECF

Hon. Jennifer E. Willis, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square, Room 425
New York, NY 10007

RE: *Plaza Home Mortgage, Inc. v. Ass'n of Certified Mortgage Originators Risk Retention Group, Inc., et al.*, No. 1:24-cv-02191-LTS-JW (S.D.N.Y.) – Discovery Status Update

Dear Magistrate Judge Willis:

We represent Plaintiff Plaza Home Mortgage, Inc. (“Plaza”), in the above-referenced action. Plaza and Defendants, Association of Certified Mortgage Originators Risk Retention Group, Inc. (“ACMO”), CastleLine Risk & Insurance Services, LLC (“CastleLine”), and Altisource Portfolio Solutions, Inc. (“APSI”) (collectively, “Defendants,” and with Plaza, the “Parties”), jointly submit this letter updating the Court on the progress of discovery pursuant to the Court’s December 12, 2024 Order (ECF No. 39).

This is an insurance coverage dispute. On May 16, 2024, Defendants filed a Motion to Dismiss (“Motion”) (ECF No. 22). Plaza filed its opposition to the Motion (ECF No. 24) and Defendants replied (ECF No. 33). The Motion is fully briefed. The Parties have conducted discovery in accordance with the Amended Case Management Plan and Scheduling Order entered by Judge Broderick on June 11, 2024 (ECF No. 32). The Parties exchanged initial disclosures on June 30, 2024, and initial requests for production of documents and interrogatories on July 17, 2024. The Parties exchanged objections and responses to those initial discovery requests on August 30, 2024, and have met and conferred in an attempt to resolve objections. The Parties agreed on an extension to the interim deadline for service of requests for admissions to December 30, 2024.

To date, Plaza has produced more than 20,000 pages of documents and the Parties are concluding document discovery and proceeding toward depositions. On December 17, 2024, Plaza served notices of Federal Rule of Civil Procedure 30(b)(6) depositions for ACMO, CastleLine, and APSI, and on December 19, 2024, Plaza served certain deposition notices directed to relevant

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individuals. Plaza looks forward to confirming dates for those deposition with Defendants in the near future.

Defendants are producing their claims files for the 21+ insurance claims in dispute and the claims files for 69 prior insurance claims it paid. Plaza demanded the production of Defendants' 90+ claims files, which is taking time to marshal, review for privilege, and produce. Since the documents are being produced in ESI format (at Plaza's demand), Defendants have retained the assistance of an e-discovery vendor to prepare the production. To date, Defendants produced more than 3,400 pages of documents. Defendants are in the process of (1) reproducing those 3,400 documents in ESI format (at Plaza's demand) and (2) producing tens of thousands of pages of documents—all in ESI format over the next few weeks.

Defendants envision supplementing their production at least once more beyond this with the myriad communications demanded by Plaza (to the extent not privileged). Defendants anticipate that this third round of production will comprise several thousand pages and may number in the tens of thousands. Plaza further requested the Defendants' search parameters, which Defendants agreed to provide.¹

Defendants anticipate moving by letter motion to respectfully request an extension of the current Case Management Order (ECF No. 32) following a meet and confer with Plaza to see whether the extension request can be made on consent. As the instant letter is a joint letter addressing the status of discovery, Defendants will fully detail its reasons for the request in its separate letter motion. Briefly, Defendants respectfully request additional time due to the number of insurance claims at issue (over 90 insurance claims between historical claims and presently disputed claims), the sheer size of the document production involved, the number of issues involved, the number of party and non-party fact depositions contemplated (10 or more depositions), and anticipated post-deposition discovery.

Plaza has collected, reviewed for privilege, and produced its claim files for all insurance claims relevant to this dispute already. Plaza produced those documents in "ESI format" in accordance with standard e-discovery protocols and without need for any "demand" by Defendants. While Plaza is willing to work with Defendants on any reasonable proposal for an extension of discovery, Plaza expects to oppose the motion filed by Defendants. Defendants have not raised any of these issues with Plaza previously. Plaza has conducted discovery in order to complete depositions and fact discovery by January 28, 2025, and all expert discovery by March 15, 2025, in accordance with the Amended Case Management Plan and Scheduling Order ordered by Judge Broderick. Defendants do not appear to have done the same, and Plaza will oppose any request to unreasonably delay resolution of this action to allow Defendants to comply with discovery obligations that should have been complied with during the time periods set forth in the Amended Case Management Plan and Scheduling Order.

The Parties thank the Court for its time and attention to this matter.

¹ There is also a related action captioned *Best Partners Mortgage Cooperative, Inc. d/b/a Lenders One v. Plaza Home Mortgage, Inc.*, pending before Chief Judge Laura Taylor Swain and Your Honor, Civil Case No. 1:24-cv-5184-LTS-JW.

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Respectfully submitted,



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Counsel for Plaintiff

/s/ John Ewell

John Ewell

Counsel for Defendants

cc: All Counsel of Record – via ECF